



U.S. Department of Housing and Urban Development
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June 27, 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Constance L. Frazier
Commissioner
Commission on Human Rights
County of Rockland
50 Sanatorium Road
Building A, 6th Floor
Pomona, NY 10970

Dear Commissioner Frazier:

Subject: Fair Housing Assistance Program - Suspension

In September 2016, the Office of Fair Housing and Equal Opportunity (“FHEO” or “Office”) of the U.S. Department of Housing and Urban Development (“HUD” or the “Department”) conducted a Performance Assessment (“Assessment”) of the Rockland County Commission on Human Rights (“RCCHR” or the “Commission”), 24 C.F.R. § 115.206(c). The goal of the Assessment was to determine whether RCCHR’s certification as a participant in the Fair Housing Assistance Program (“FHAP”) should be renewed and extended for a period of five (5) years.

The Assessment had found that the Commission failed to meet three of nine performance standards, and two budget and finance requirements. The Commission was informed on June 17, 2017, of such deficiencies. To correct these, on May 4, 2018, RCCHR was placed on a Performance Improvement Plan (“PIP”) as a condition for continued participation in the FHAP Program.

RCCHR was informed that all PIP corrective actions needed to be completed within one year of the date of the Plan. The Commission was also informed that, after one year, this Office would reassess its performance with respect to the standards and requirements identified in the PIP, pursuant to 24 C.F.R. § 115.206. If RCCHR was not found to have made substantial improvement in its performance by the conclusion of the PIP, then the Commission would be placed on suspension from the FHAP program pursuant to 24 C.F.R. § 115.210(b).

To facilitate full compliance with the PIP, this Office has been providing technical assistance as well as monitoring the Commission's progress with respect to adherence to the above-cited performance standards and requirements through bi-monthly conference calls and on-site meetings.

This is to inform you that, to date, despite this Office's provision of technical assistance during the past year, to date RCCHR has shown limited progress in meeting PIP performance standards and requirements. More specifically:

1. Performance Standard #1

The agency must commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner. (24 C.F.R. § 115.206(e)(1))

Under the PIP, RCCHR is expected to:

- a) Substantially improve upon the percentage of cases closed within a 100 day timeframe.
- b) Substantially improve upon its average case processing time.
- c) Meet all data entry and support system requirements.

As of this date, no significant improvement has been shown with respect to Performance Standard #1.

2. Performance Standard #4

The agency must conduct compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices. (24 C.F.R. § 115.206(e)(4))

Under the PIP, RCCHR is expected to conduct compliance reviews of all conciliation agreements.

As of this date, significant improvement has been shown with respect to Performance Standard #4. The agency has been working to conduct adequate compliance reviews of all conciliation agreements.

3. Performance Standard #7

The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the federal Fair Housing Act and the agency's fair housing statute or ordinance. (24 C.F.R. § 115.206(e)(7))

Under the PIP, RCCHR is expected to process, at a minimum, ten (10) cases during this corrective action period. (i.e., 20 cases during a two year period)

As of this date, no significant improvement has been shown with respect to Performance Standard #7. Only 3 cases were filed during this period.

4. Budget and Finance Requirements

The agency must draw down its funds and provide quarterly reports in a timely manner as required at 24 C.F.R. §115.307(9).

Under the PIP, RCCHR is expected to draw down its funds and provide quarterly reports during this period in a timely manner.

As of this date, no significant improvement has been shown with respect to these requirements even though FHEO provided technical assistance on three separate occasions during the PIP timeframe.

In summary, RCCHR continues to perform at an unacceptable level and is still failing to meet the requirements of the FHAP program.

Pursuant to 24 CFR § 115.210(b), effective today through September 25, 2019, HUD is placing the Commission on suspension from the FHAP program for a period of 90 days.

During the suspension period, HUD will not refer complaints to the Commission and will not provide FHAP funds (see 24 CFR § 115.210(b)(4)). However, HUD will continue to provide technical assistance during this period, as needed.

Prior to the end of the suspension period, FHEO will conduct another performance assessment of the agency. If, following the performance assessment conducted at the end of suspension, RCCHR has not corrected these deficiencies, this Office will recommend to the Assistant Secretary of Fair Housing and Equal Opportunity that she proceed to withdraw RCCHR from the Fair Housing Assistance Program pursuant to 24 CFR § 115.210(c).

Pursuant to 24 CFR § 115.210(b)(1), RCCHR may respond to this letter within 30 days.

If you have any questions regarding the Commission's current compliance status under the FHAP Program, or any questions about the suspension process, please feel free to contact Ms. Salome Johannes at (212) 542-7517 or toll free at 1-800-496-4294.

Sincerely,

Jay Golden
Director, Region II
Office of Fair Housing
and Equal Opportunity

cc: Ed Day, County Executive